

REMARKS

Applicants have added new claims 7-10, which recite various carrier solutions. Support for claims 7-10 is found on page 5, lines 19-24 and page 9, lines 10-11.

REJECTIONS UNDER 35 U.S.C. 112, FIRST PARAGRAPH

Claims 1-4 stand rejected under 35 U.S.C. § 112, first paragraph for purportedly containing new matter. The Examiner contends that the claims include the limitation “effective amount of a homogenized, killed ...culture” is new matter. Applicants respectfully disagree and direct the Examiner’s attention to the application as filed, e.g., claim 1, which recites,

1. (Original) A ringworm vaccine comprising an effective amount of a homogenized, killed pure *Microsporum canis* culture provided in a carrier wherein the culture is isolated by filtration.

and page 6, lines 15 to 21, which recite:

In preferred embodiments of the present invention, the antigen preparation is made from homogenized cultures of appropriate dermatophytes. Preferably, all the dermatophytes in the culture are killed before the culture is homogenized (e.g., by the addition of formaldehyde or other agent which kills dermatophytes) Finally the antigen preparation is added to the carrier such that antigen is present at a concentration sufficient to produce an immune response and/or confer resistance upon administration of the vaccine to the patient. (emphasis added)

Page 6, lines 15-21 disclose killed cultures of dermatophytes and describe the effective amount of the preparation as, “a concentration sufficient to produce an immune response and/or confer resistance upon administration of the vaccine to the patient.” As such, the terms and scope of Applicants’ amended claims,

which include the limitation of "an effective amount of a homogenized, killed ...culture", are disclosed in the application as filed and thus do not comprise new matter.

In view of the foregoing remarks, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of the claims under 35 U.S.C. 112, first paragraph for purportedly containing new matter.

REJECTIONS UNDER 35 U.S.C. 112, SECOND PARAGRAPH

Claims 2-4 stand rejected under 35 U.S.C. 112, second paragraph for purportedly being indefinite. While Applicants respectfully disagree, in the interest of expediting prosecution Applicants have amended claims 2-4 to recite:

2. The vaccine in claim 1 wherein the vaccine further comprises an effective amount of homogenized, killed pure *Trichophyton mentagrophytes* culture, wherein the *Trichophyton mentagrophytes* culture is isolated by filtration.

3. The vaccine in claim 1 wherein the vaccine further comprises an effective amount of filtered, homogenized, killed pure *Microsporum gypsum* culture and wherein the *Microsporum gypsum* culture is isolated by filtration..

4. (Currently amended) The vaccine in claim 1 wherein the vaccine further comprises an effective amount of filtered, homogenized, killed pure *Microsporum gypsum* culture, isolated by filtration, and homogenized, killed pure *Trichophyton mentagrophytes* culture, and wherein the *Trichophyton mentagrophytes* culture is isolated by filtration.

In view of the foregoing remarks and amendments to the claims Applicants respectfully request that the Examiner reconsider and withdraw the

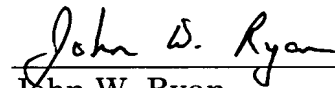
rejection of the claims under 35 U.S.C. 112, second paragraph for purportedly being indefinite.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #101919.56851C3).

Respectfully submitted,

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